

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Emmanuel Richard Howard,)	C/A No. 3:11-3418-JFA-SVH
)	
Plaintiff,)	
)	
v.)	ORDER
)	
Jeradine Childs, Chief Judge, Fifth Circuit;)	
Tivis Therland, Attorney at Trial; Anne Spears)	
Walsh, Fifth Circuit Solicitor; William Byars,)	
Jr., Director of SCDC; Kela Evans Thomas,)	
Director Department PPS,)	
)	
Defendants.)	
_____)	

The *pro se* plaintiff, Emanuel Richard Howard, brings this action pursuant to 42 U.S.C. § 1983 claiming various constitutional violations by the defendants involved in the prosecution of his state criminal case.

The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation wherein she suggests that this court should summarily dismiss this action without prejudice. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation and without a hearing.

The plaintiff was advised of his right to file objections to the Report and Recommendation which was entered on the docket on January 19, 2012. However, the

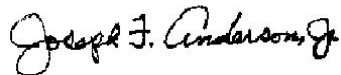
¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

plaintiff has failed to file any objections. In the absence of specific objections to the Report of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

After a careful review of the record, the applicable law, and the Report and Recommendation, the court finds the Magistrate Judge's recommendation to be proper and incorporates the Report herein by reference. Accordingly, this action is dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.

February 16, 2012
Columbia, South Carolina

A handwritten signature in black ink, reading "Joseph F. Anderson, Jr." in a cursive script.

Joseph F. Anderson, Jr.
United States District Judge